

REMARKS

Claims 1-18 have been canceled. New claims 19-43 have been added. It should be appreciated that new claims 19-43 merely clarify the invention as disclosed by the Applicant in the specification and drawings. Claims 19-43 remain in the application.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Saliga (U.S. 5,038,023). Applicant respectfully traverses this rejection.

U.S. Patent Number 5,038,023 to Saliga discloses a system for storing and monitoring bar coded articles within a drawer. The system includes a storage module 10 having a case and a drawer. The drawer contains a keyshelf 20 having a plurality of slots 22 for accepting a key card 16. A computer system 30 is connected to the drawer. Each key card includes a unique dual track bar code pattern indicative of an identification number. The module also includes a position code pattern reader means disposed in the module. The system further includes a data processing and storing means that receives electrical data from the bar code reader means when the drawer is opened or closed, causing the bar code patterns of the card to be scanned by the bar code reader means and the drawer portion code pattern to be scanned by the positions code pattern reader means. The electrical data is processed to store the identification number of each of the cards within its slot location to provide an inventory of stored articles. Saliga '023 does not disclose a system and method of tracking a stored item that includes assigning the item unique identification codes for tracking the identity of the item, the storage location of the item, the intended destination of the item and the status of the item.

In contradistinction, claim 1 discloses a method of identifying an item that is received, stored and shipped. The method includes the steps of assigning a first item identifier to the item to identify the particular item, and storing the first item identifier in a computer

database. The method also includes the steps of assigning a second item identifier to the item that associates the item with the first item identifier, and affixing a selectively programmable identification device on the item, such that the second item identifier is stored in the memory of the programmable identification device. The method further includes the steps of assigning a destination identifier to the item indicative of a predetermined destination for the item, a status identifier indicative of a shipping status of the item and a storage location identifier indicative of a current storage location of the item within a storage area. Each of these identifiers is stored in the memory of the programmable identification device. The method further includes the step of using the first item identifier and second item identifier, destination identifier, status identifier and location identifier in tracking the item within the storage area.

The system includes a predetermined location identifier associated with the storage area. The system also includes a computer system having a database for storing the item identifier, status identifier, a destination identifier and location identifier within a memory. The system further includes a selectively programmable identification device disposed on the item. An item identifier, a location identifier, a status identifier and a destination identifier are all stored in a memory of said location determination device for use in tracking the item.

Saliga '023 does not discloses a system and method of tracking an item within a storage area that includes a first and second item identifier, a destination identifier, a status identifier and a location identifier. Also, Saliga '023 does not discloses a system and method of tracking an item within a storage area that is being stored prior to shipping, and is moved around within the storage area. Further, Saliga '023 does not disclose a system of tracking an item that includes the steps of assigning an item identifier, a destination identifier, a status identifier, and a storage identifier to the item, programming the identifiers into a

programmable identification device that is affixed to the item, and using the identifiers to track the item within the storage area.

In fact, the teachings of Saliga '023 teach away from the claimed invention, since Saliga '023 teaches the storage of an item in a locked drawer, and tracking the item when outside the locked drawer. This is distinguishable from the teachings of the Applicant, where the storage area is a freight yard and the item is tracked within the storage area. Therefore, tracking an item when outside of the storage area is not the same as tracking an item within the storage area.

Therefore, it is respectfully submitted that new claims 19, 29 and 39 and the claims dependent therefrom are allowable over the rejection under 35 U.S.C. 102(b).

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga '083 in view of Benson et al. (US 5,635,693). Applicant respectfully traverses this rejection, since claim 2 is dependent on a base claim that has been cancelled.

U.S. Patent Number 5,635,693 to Benson et al. discloses a radio frequency tagging system used to monitor vehicles entering, leaving or stored in a storage lot. The system includes a plurality of storage areas 101, 102, a computer 130, a vehicle with an rf tag 210 attached, a paging company 160 with broadcast antenna. A method for monitoring vehicles passing through the storage area includes the steps of storing one or more vehicle storage areas have an area access. The method also includes the steps of attaching a radio frequency signal to the vehicle using a radio frequency tag having a tag antenna and a tag memory with vehicle ID information about the vehicle. The method further includes the steps of passing the vehicle through the vehicle access while communicating the radio frequency signal between the base station and the radio frequency tag to place the vehicle ID information of a return radio frequency signal that is sent to the base station, storing status information on the

computer containing information about vehicle ownership and using the vehicle ID information to take an action. Benson et al. '693 does not disclose a system and method of tracking a stored item that includes assigning the item unique identification codes for tracking the identity of the item, the storage location of the item, the intended destination of the item and the status of the item.

None of the reference alone or in combination with each other teach or otherwise suggest the claimed invention of new claim 19, 29 or 39 for the reasons set forth above and as follows. Specifically, the Saliga et al. reference teaches the tracking of keys when removed from a locked storage area. Benson et al. '693 teaches the use of a radio frequency transceiver to track the vehicle identification code of a vehicle entering or leaving or stored within a storage lot. The combination of Saliga and Benson et al. do not disclose a system and method of tracking a stored item, such as a vehicle within a storage area using unique identifiers for identifying the item, the current location of the item, the status of the item, and the destination of the item.

The combination of the references, if combinable, would not render obvious Applicant's invention as claimed in claim 19, 29 or 39. Further, there is nothing in the key tracking art of Saliga and the vehicle tracking art of Benson to suggest such a combination. The unobvious feature of the present invention of claims 19, 29 or 39 is the use of these unique identifiers in tracking the item within the storage area.

Therefore, it is respectfully submitted that the new claims 19, 29 and 39 are patentably distinguishable over the combination of Saliga and Benson.

Claims 3-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga as modified by Benson as applied to claim 2 above and further in view of Miller et al. (U.S. Patent 4,776,464). Applicant respectfully traverses this rejection for the reasons set forth

above. In addition, claims 3-5 are dependent claims which have been canceled, so Applicant respectfully submits that this rejection is now moot.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Saliga as modified by Benson and Miller et al. (U.S. Patent 4,776,464) and further in view of Jaekle (U.S. 3,661,098). Applicant respectfully traverses this rejection for the reasons set forth above. In addition, claim 6 is a dependent claim which has been canceled, so Applicant respectfully submits that this rejection is now moot.

Claims 7-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Ayed et al. (U.S. 6,405,125) and Miller et al. (U.S. Patent 4,776,464). Applicant respectfully traverses this rejection for the reasons set forth above. In addition, these claims have been canceled, so Applicant respectfully submits that this rejection is now moot.

Claim 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Ayed et al. (U.S. 6,405,125) and Miller et al. (U.S. Patent 4,776,464) and further in view of Levine et al. (U.S. Patent Number 5,477,038). Applicant respectfully traverses this rejection for the reasons set forth above. In addition, claim 18 is a dependent claim which has been canceled, so Applicant respectfully submits that this rejection is now moot.

Based on the above, Applicants submit that the claims are in a condition for allowance, which allowance is respectfully solicited. If the Examiner finds to the contrary, it

is respectfully requested that the undersigned in charge of this application be called at the telephone number given below to resolve any remaining issues.

Respectfully submitted,

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*Rainie mills*